

AN ACT

ENTITLED, An Act to amend South Dakota law in connection with the sale of substantially all of the assets of the South Dakota State Cement Plant Commission, to enable the continued operation and use of real property relating to the business of the cement plant, by amending chapter 43-2A relating to alien ownership of agricultural land restrictions, to amend chapter 47-9A relating to corporate farming restrictions, to amend Title 11 relating to zoning, to amend chapter 5-17 relating to the mineral leasing authority of the South Dakota State Cement Plant Commission, to zone South Dakota Cement Plant property, and to declare an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 43-2A be amended by adding thereto a NEW SECTION to read as follows:

The restrictions of this chapter do not apply to agricultural land owned by a corporation for immediate or potential use in nonfarming purposes. A corporation may hold such agricultural land in such acreage as may be necessary to its nonfarm business operations. However, pending the development of agricultural land for nonfarm purposes, such land may not be used for farming except under lease to a family farm unit, a family farm corporation, or an authorized farm corporation.

All real property owned or held by the State of South Dakota by and through the South Dakota State Cement Plant Commission as of December 28, 2000, is owned or held by it and its successors in title for immediate or potential use for nonfarming purposes and the real property is necessary for nonfarming business operations.

Section 2. That chapter 47-9A be amended by adding thereto a NEW SECTION to read as follows:

All real property owned or held by the State of South Dakota by and through the South Dakota State Cement Plant Commission as of December 28, 2000, is owned or held by it and its successors

in title for immediate or potential use for nonfarming purposes and the real property is necessary for nonfarming business operations.

Section 3. That chapter 11-2 be amended by adding thereto a NEW SECTION to read as follows:

All real property owned, leased, or otherwise held by the State of South Dakota by and through the South Dakota State Cement Plant Commission as of December 28, 2000, is hereby zoned to conform to its use as of December 28, 2000, as if it were owned, operated, and used by a private business, and all applicable municipal and county records shall be revised accordingly.

Section 4. That chapter 11-4 be amended by adding thereto a NEW SECTION to read as follows:

All real property owned, leased, or otherwise held by the State of South Dakota by and through the South Dakota State Cement Plant Commission as of December 28, 2000, is hereby zoned to conform to its use as of December 28, 2000, as if it were owned, operated, and used by a private business, and all applicable municipal and county records shall be revised accordingly.

Section 5. That chapter 5-17 be amended by adding thereto a NEW SECTION to read as follows:

Notwithstanding any other provision of law, including but not limited to chapter 5-7, the South Dakota State Cement Plant Commission when selling substantially all of its assets may lease all of the mineral interests reserved to the State of South Dakota in all real property owned, sold, acquired, leased, or conveyed by the State of South Dakota acting by and through the South Dakota State Cement Plant Commission in a manner and upon terms acceptable to the commission.

Section 6. Because the South Dakota State Cement Plant monies have been necessary for the support of state government and its existing public institutions, and the proceeds of any sale are necessary for the support of state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Section 7. Whereas, this Act is necessary for the immediate preservation of the public peace,

health, and safety of the state and its people, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

An Act to amend South Dakota law in connection with the sale of substantially all of the assets of the South Dakota State Cement Plant Commission, to enable the continued operation and use of real property relating to the business of the cement plant, by amending chapter 43-2A relating to alien ownership of agricultural land restrictions, to amend chapter 47-9A relating to corporate farming restrictions, to amend Title 11 relating to zoning, to amend chapter 5-17 relating to the mineral leasing authority of the South Dakota State Cement Plant Commission, to zone South Dakota Cement Plant property, and to declare an emergency.

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I certify that the attached Act
originated in the

SENATE as Bill No. 1

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 1
File No. _____
Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State